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Consideration of reports submitted by states parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Third periodic report of States parties*

Addendum

Luxembourg**

* The present document is being submitted without formal editing.

** For the initial and second periodic reports submitted by the Government of Luxembourg see CEDAW/C/LUX/1 and CEDAW/C/LUX/2; for its consideration by the Committee, see CEDAW/C/SR.338, CEDAW/C/SR.339 and CEDAW/C/SR.344, and *Official Records of the General Assembly, Fifty-second Session, Supplement No. 38* (A/52/38/Rev.1), paras. 184–227. For the third periodic report submitted by the Government of Luxembourg see CEDAW/C/LUX/3.

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Introduction

International Women's Day 1996 was celebrated at Bettembourg with the theme of "Affirmative action".

During the Commune Council's debate on 5 April 1996 on the directions to be taken by the Commune's Advancement of Women Unit on the basis of a resolution introduced by the Det Greng party and several amendments thereto, the following resolution was unanimously adopted:

"Whereas

The policy of the Council of the Commune of Bettembourg is to guarantee equality between women and men,

The percentage of female staff working in the administrative departments of the Commune is very high,

The posts held by women should cover all categories,

The Commune Council has decided:

To prepare a written list of the posts held by women;

In cooperation with the Advancement of Women Unit of the Commune of Bettembourg, to prepare an organizational chart of the posts, functions and statutes of the various posts held by women in the Commune of Bettembourg".

Paragraph 5 of the report of the meeting of the College of the Burgomaster and Aldermen, held on 26 April 1996, reads as follows:

"Assigns to Maria Schaal-Da Cruz and the Advancement of Women Unit the task of evaluating, by gender, the staff of the Commune of Bettembourg".

This report is the outcome of that cooperation. It was prepared and revised during regular working meetings. On the basis of the figures provided by the personnel office, the report was drafted by the Advancement of Women Unit. We have used the following for background documentation:

- Legal and regulatory texts (including the amended Act of 24 December 1985, which sets forth the general rules governing communal employees);
- Examples of evaluation reports, particularly those used in Belgium and Germany, which served as a starting point for drafting an affirmative action plan;
- The Government's action plan for administrative reform;
- The collective contract "Fur die Gemeindearbeiter der Sudgemeinden" of 1 January 1992;
- The programme for promoting a communal policy on equality of opportunities between women and men, submitted in March 1995 by the National Council of Women of Luxembourg (CNFL) and supported by the Union of Cities and Communes of Luxembourg (SYVICOL);
- The national action plan for the implementation of the Declaration and Platform for Action adopted by the Fourth World Conference on Women, held in Beijing, China, from 4 to 15 September 1995.

Why this report, and why an affirmative action plan?

In this regard we should like to cite the following excerpts from the action plan for administrative reform:

"Since an administration cannot be modernized by means of a reform against the staff but, quite the contrary, through a reform including and even on behalf of the staff, the participation of State employees in the reform process is of prime importance.

By involving the staff, we are attempting to:

- Rebuild a strong identity;
- Establish or consolidate shared public service values;
- Bring together State employees so that they may jointly forge the future of their respective departments;
- Make staff responsible for developing a spirit of initiative;
- Satisfy the dual needs of staff and users.

The following specific measures are envisaged:

- Use of tools for promoting dialogue between managers and staff, making it possible to set objectives, evaluate progress made in achieving those objectives and take staff aspirations into account;
- Organization of working hours in such a way as to help reconcile professional and family life; possibilities and modalities for introducing part-time work schemes into the civil service;

- Implementing measures to eliminate all forms of inequality and discrimination between men and women in the workplace".

We wish to stress two of the specific measures suggested by CNFL in its programme for promoting a communal policy:

"- To undertake 'affirmative action' measures in communal and administration services; for large communes: to undertake 'affirmative action' measures within the communal administration as well as employment sectors which are part of the Commune in order to balance the participation of men and women in the various sectors, grades of remuneration and decision-making posts;

- To promote the participation of women in other communal bodies; based on previous assessments of the situation, to promote the participation of women in all bodies in which they are under-represented (such as communal trade unions and other administrative organs or councils in which the Commune is represented)".

It is our hope that this report will serve a triple purpose:

- To add to the available information on the composition of the Commune's male and female staff;
- To take into account the importance of modern human resource management;
- To constitute the first stage in an affirmative action plan, as proposed during the 1996 International Women's Day, as well as the preparatory stage for actions decided upon by the Commune Council (Add.1: Affirmative action plan: an instrument for human resources management in business).

All investments in human resource management must have the following objectives:

- To modernize the administration and render a service to the public;
- To encourage in male and female employees in the administration the desire and opportunity to take responsibility based on negotiation and cooperation.

1997 Statistics

1. Employment situation
   - 1.1 Civil servants
   - 1.2 Independent contractors
   - 1.3 Workers
2. Categories and working hours
3. Date of birth by category of worker
   - 3.1 Civil servants
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1. Employment situation as at 1 January 1997

1.1 Civil servants

Civil servants as at 1 January 1997	*Total*
Women	12
Men	10
Total	**22**

Out of a total of 22 civil servants, there are 12 women and 10 men.

The status of civil servants is governed by the amended Act of 24 December 1985. Women's employment in the civil service is a fairly recent phenomenon. For a long time, the civil service employed only men. Work schedules and the career and salary systems are organized according to a family model which presupposes that the husband is the household's sole wage-earner and that he has no responsibility for housework or the children's education and is therefore available 40 hours per week. Only when women entered the civil service was provision for family-related interruptions in the work schedule incorporated into the regulations, which reflect women's responsibilities in the areas of housework and education. The work schedule as an overall concept has not been reconsidered in order to adapt it to changes in the workplace and in society. This failure to involve men in family and household tasks is reflected in the fact that career interruptions for such reasons remain the "privilege" of women. This lack of male involvement is doubtless the source of misogynist attitudes towards the work women do.

1.2 Independent contractors

Independent contractors as at 1 January 1997	*Total*
Women	18
Men	0
Total	**18**

All the independent contractors are women. The majority of their work is education-related (see section 7).

1.3 Workers

Workers as at 1 January 1997	*Total*
Women	17
Men	36
Total	**53**

There are 17 male and 36 female workers, making a total of 53.

Conclusion 1

Of the 93 people employed by the Commune, 47 are women and 46 men.

	Women	*Men*	*Total*
Civil servants	12	10	22
Independent contractors	18	0	18
Workers	17	36	53
Total	**47**	**46**	**93**

Gender parity has been achieved at the level of numbers.

The disparities arise within the three categories:

Civil servants:	primarily women
Independent contractors:	exclusively women
Workers:	One third women

This preliminary study would seem to suggest that women are over-represented in the most stable and best-paid categories of employment.

A more detailed study will require a more weighted statistical analysis.

2. Categories and working hours

	Women		Men		Total		
	Full-time	*Part-time*	*Full-time*	*Part-time*	*Full-time*	*Part-time*	
Civil servants	11	1	10	0	21	1	22
Independent contractors	6	12	0	0	6	12	18
Workers	4	13	36	0	40	13	53
Total	**21**	**26**	**46**	**0**	**67**	**26**	**93**

- Of the 47 women employed by the Commune, all categories combined, 26 work part-time. Only women work part-time; their hours vary from 3 to 8 per day. Why do women resort to part-time work? Is it because they can find no other (i.e., full-time) employment, or does part-time work allow them to combine their family and work-related responsibilities? In order to test the latter hypothesis, it must be determined whether working hours do, in fact, coincide with child-care schedules and when the partner/husband assumes his share of the educational and household tasks. Let us consider women workers' schedules more closely (see below).
- No men work part-time. Why not? Two posts, that of Commune secretary and that of tax collector, may not legally be filled by part-time employees. Can this requirement be maintained, firstly, in light of the clearly articulated national and European legislation, secondly, in the spirit of administrative reform and thirdly, considering the progress in secretarial and management techniques and the development of accounting and administrative services which employ several people, as is the case in Bettembourg?

What conditions must be established in order to encourage fathers to combine family with work-related responsibilities (in addition to the existing legal right to do so)?

- Full-time instructors work 24 hours per week.

Part-time work may have a detrimental effect on the career options of the persons concerned, if not from the point of view of promotion, at least from that of income and societal perceptions (part-time work is viewed as less important, and the worker as inflexible or unavailable).

Weekly and daily working hours of workers

Weekly	*Daily*	*Working hours*
18 hrs./wk.	3 hrs./day	3 x 14.00–17.00 (T/Th/Sa) 3 x 16.00–19.00 (M/W/F)
34 hrs./wk.		2 x 08.00–12.00 (M/F) 3 x 13.00–18.00 (T/Thu/Sa) 1 x 16.00–20.00 (W)
26 hrs./wk.		4 x 16.00–20.00 (M/W/F/Sa) 2 x 14.00–19.00 (T/Th)
30 hrs./wk.		08.00–14.00 (M-F)
20 hrs./wk.		17.00–21.00 (M-F)
21 hrs./wk	3.5 hrs./day	3 x 16.00–19.30 (M/W/F)
25 hrs./wk.	5 x 5 hrs./day	10.00–12.00 (M-F) 16.00–18.00 (variable) 5 hrs. (Sa)
40 hrs./wk.	5 x 8 hrs./day	12.00–20.00 (M-F)
30 hrs./wk.	6 x 5 hrs./day	16.00–21.00 (M/W/F) 14.00–19.00 (T/Th/Sa)
40 hrs./wk.	8 hrs./day	08.00–16.00
40 hrs./wk.	8 hrs./day	08.00–12.00 (13.00–17.00) (T/Th) 16.00–20.00 (M/W/F)
26 hrs./wk.		16.00–20.00 (M/T/F/Sa) 13.00–19.00 (T/Th)
30 hrs./wk.	6 x 5 hrs./day	16.00–21.00 (M/W/F) 14.00–19.00 (T/Th/Sa)
20 hrs./wk.	5 x 4 hrs/day	08.00–12.00 (M-F)
		Temporary replacement staff — hours vary
38 hrs./wk.		08.00–12.00, 16.00–19.00 (M-F) 13.00–16.00 (Sa)
40 hrs./wk.		M-Sun. – hours vary

Women workers' schedules provide an immediate response to the question of whether part-time work makes it possible to combine family and work-related responsibilities. Cleaning services are often provided during the evening. Thus, either women workers with families share household and educational responsibilities with their partners, or they must find other ways to organize their time (particularly in the case of female heads of single-parent households).

Women workers work between 18 and 40 hours per week. Temporary replacement staff have variable work schedules.

The 16 women workers with regular hours work an average of 29.87 hours per week.

3. Date of birth by category of worker

3.1 Civil servants

Civil servants	*Women*	*Men*	*Total*
1/1/1940–31/12/1944	0	1	1
1/1/1945–31/12/1949	2	1	3
1/1/1950–31/12/1954	1	2	3
1/1/1955–31/12/1959	0	3	3
1/1/1960–31/12/1964	1	2	3
1/1/1965–31/12/1969	5	1	6
1/1/1970–31/12/1974	3	0	3

Of the 12 female civil servants, 8 (i.e., two thirds) were born after 1 January 1965 and are thus under age 32.

Of the 10 male civil servants, 6 were born after 1 January 1955 and are thus under age 42.

While civil servants are, generally speaking, very young, female civil servants are proportionally even younger than their male counterparts. This is a result of the voluntary recruitment policy of the College of Aldermen and the Commune Council.

The Grand-Ducal Regulation of 20 December 1990 establishes the conditions for recruitment, including the minimum and maximum age of civil service recruitment to various posts. The range is from 17 to 45.

3.2 Independent contractors

Independent contractors	*Women*	*Men*	*Total*
1/1/1940–31/12/1944	0	0	0
1/1/1945–31/12/1949	2	0	2
1/1/1950–31/12/1954	3	0	3
1/1/1955–31/12/1959	6	0	6
1/1/1960–31/12/1964	3	0	3
1/1/1965–31/12/1969	1	0	1
1/1/1970–31/12/1974	2	0	2
1/1/1975–31/12/1979	1	0	1

Most women independent contractors are between the ages of 33 and 47.

3.3 Workers

Workers	*Women*	*Men*	*Total*
prior to 1939	1	2	3
1/1/1940–31/12/1944	1	1	2
1/1/1945–31/12/1949	1	4	5
1/1/1950–31/12/1954	3	5	8
1/1/1955–31/12/1959	1	5	6
1/1/1960–31/12/1964	8	8	16
1/1/1965–31/12/1969	1	6	7
1/1/1970–31/12/1974	0	5	5
1/1/1975–31/12/1979	1	0	0

Ten of the 17 women are under the age of 37; 8 are between the ages of 33 and 37.

Of the 36 men, 19 are under the age of 37.

4. Length of service

4.1 Civil servants

	Women	Men	Total
< 65	0	1	1
01/01/65–31/12/69	1	0	1
01/01/70–31/12/74	1	1	2
01/01/75–31/12/79	0	3	3
01/01/80–31/12/84	1	1	2
01/01/85–31/12/89	1	2	3
01/01/90–31/12/94	4	2	6
01/01/95–31/12/99	4	0	4
Total	**12**	**10**	

Eight female civil servants have been appointed since 1 January 1990. Of the 22 civil servants employed as at 1 January 1997, 10 were appointed after 1 January 1990. This can be attributed to the recruitment policy of the College of Aldermen and the Commune Council, which deliberately promotes equal opportunities.

4.2 Independent contractors

	Women	Men
< 1990	1	0
01/01/90–31/12/94	8	0
01/01/95–31/12/99	9	0

All the female independent contractors were recruited recently.

This fact, coupled with the women's age (cf. 3.2) and working hours (cf. 2.2), suggests that women have applied for such jobs because it enables them to reconcile their working and family lives. Aware of the countless new jobs being created on the national labour market in recent years, these women appear to have opted for part-time work near their homes, that is, in the Commune, and thus to have accorded priority to family considerations over full-time jobs outside the Commune.

4.3 Workers

	Women	Men	Total
01/01/65–31/12/69	0	1	1
01/01/70–31/12/74	0	4	4
01/01/75–31/12/79	2	2	4
01/01/80–31/12/84	0	6	6
01/01/85–31/12/89	4	6	10
01/01/90–31/12/94	8	13	21
01/01/95–31/12/99	3	4	7
Total	**17**	**36**	**53**

Out of 17 women, 15 began working after 1 January 1985. After 1 January 1988, 11 women and 17 men began working.

Conclusion 4

The civil servants working in the Commune of Bettembourg are young.

While the recruitment of civil servants is subject to age limits, independent contractors and workers who interrupt work for family reasons are permitted to return to work.

5. Level of remuneration

5.1 Civil servants

Level	Women	Men	Total
2	1	0	1
3	0	0	0
4	2	0	2
5	0	0	0
6	3	0	3
7	1	1	2
8	1	5	6
9	1	1	2
10	0	0	0
11	0	0	0
12	0	1	1
13	0	1	1
E1	0	1	1
E2	0	0	0
E3	3	0	3

Women civil servants are at the lower levels or (less commonly), the middle levels of the career ladder; men are at the middle levels.

5.2 Independent contractors

Level	*Women*	*Men*	*Total*
6	1	0	1
7	1	0	1
8	2	0	2
9	0	0	0
10	0	0	0
11	0	0	0
12	1	0	1
13	1	0	1

The women employed in the Bettenbourg Advancement of Women Unit have secondary school and university training. Unlike in the ecology department, which is not covered by the communal law either, women in the Advancement of Women Unit are considered to be independent contractors, not civil servants.

5.3 Workers

Level	*Women*	*Men*	*Total*
0	1	0	1
1	16	0	16
2	0	13	13
3	0	6	6
4	0	5	5
5	0	5	5
6	0	4	4
7	0	2	2

The collective agreement establishes criteria for performance evaluations and promotions. As the agreement will expire in 1997, it is to be hoped that equal opportunity measures will be decided.

Job descriptions and the exclusive assignment of men or women to certain tasks seriously distort pay and promotion opportunities.

Example of calculation of men's and women's starting pay, and their pay after 10 years

Male worker		*Female worker*	
Starting pay: 122 + 14 + 7 = 143 points		Starting pay: 122 points	
Gross amount:	64 002	Gross amount	54 603
Meal allowance: 7 pts.	3 133	Meal allowance: 7 pts	3 133
Compensatory allowance: 4.61%	3 095	Compensatory allowance: 4.61%	2 661
Gross total:	70 230	Gross total:	60 397
After 10 years: 182 points		After 10 years: 131 points	
Gross amount:	81 457	Gross amount:	58 631
Meal allowance: 7 pts	3 133	Meal allowance: 7 pts	3 133
Compensatory allowance: 4.61%	3 900	Compensatory allowance: 4.61%	2 847
Gross total:	**88 490**	Gross total:	**64 611**

After 10 years, the difference between the gross pay of men and women in maintenance and/or cleaning jobs (example: road maintenance and construction) was

88,490 – 64,611 = 23,879 francs.

Cleaning jobs are a particularly good illustration of the provisions of the code of conduct with respect to equal pay between men and women for work of equal value, issued by the European Commission for the benefit of labour and management. A number of elements warrant a closer look:

- The definition of the value of skills

  Why should a certain kind of work command a certain remuneration? Why should a cleaning job be paid differently? Why are there two different career paths for men and women?

  What are the specific skills required to execute a task?

  Who establishes them, who evaluates them, and who monitors them? With what tools — simple individual evaluation, negotiation between the parties, skills defined in nationally recognized professions or in collective agreements?

  Who defines the value of a skill: in the past, present, future?

- Organization of work

  Who organizes the work? One person, several people, rank of these persons in the hierarchy, opportunities for negotiation.

What are the opportunities for partnership?

Teamwork: to carry out what kind of work? on the basis of what criteria (security, ability to work independently, ease of execution ...).

- Promotion criteria

What are the criteria?

Length of service (number of years)

Basic/continuing education

Practical experience (work carried out)

Acquisition of skills (specific tasks)

Performance and commitment

5.4 Pay supplements/bonuses

5.4.1 Civil servants

	Women	*Men*	*Total*
Personal supplement	1	0	1
Computer bonus	2	0	2
Preschool teacher bonus (women)	3	0	3
Danger money	0	1	1
Total	**6**	**1**	**7**

With one exception, male civil servants did not receive any bonuses.

5.4.2 Independent contractors

	Women	*Men*	*Total*
On-call allowance	3	0	3

Based on availability. Base: 12 points

The bonus amount is proportional to the duration of the task.

5.4.3 Workers

	Women	*Men*	*Total*
Health hazard bonus	0	22	22
On duty after normal working hours	0	16	16
On-call allowance	1	4	5
Skills certificate	0	1	1
Personal supplement	0	1	1

With one exception, female workers did not receive any bonuses. When the collective agreement expires, the bonus system should be reassessed on the basis of proposals already put forward.

The legal and regulatory basis for these pay supplements is:

- Communal law;
- The collective agreement;
- The Act of 1989;
- The Act on remuneration of communal civil servants.

Conclusion 5

Equal treatment is governed by the Act of 8 December 1981 and the Grand Ducal Regulation of 10 July 1974 (annexes 2 and 3). We note, with respect to personnel working in the Commune of Bettembourg:

- *Civil servants*: currently women are at entry-level or middle-level positions. There are two explanations: the recent recruitment of female civil servants, who will be promoted a few levels higher in the course of their careers. The other explanation lies in the definition of the value of their work.
- *Independent contractors*: compared to the status of civil servants and workers, their situation is the least secure at present. It is characterized by short-term contracts, which preclude the establishment of a career. The legal basis for such contracts is the Act of 24 May 1989 on short-term employment contracts and article 12 of the Grand Ducal Regulations of 11 July 1989 implementing the provisions of articles 5, 8, 34 and 41 of the Act of 24 May 1989. The renewal of teaching contracts depends on the fluctuation in the

number of male and female primary-school teachers. Since the Advancement of Women Unit is not defined as a communal entity, its employees cannot be guaranteed job security.

- *Workers*: The collective agreement reflects the unions' commitment to their members, who were and continue to be mostly men. With women's entry into the workforce and their membership in the unions, the dimension of equal opportunities should be taken into account.

6. Civil status and dependants

6.1 Civil servants

	No children	*1 child*	*2 children*	*3 children*	*Total*
Single	5	0	0	0	5
Married	2	4	6	2	14
Separated/ divorced	2	1	0	0	3
Total	**9**	**5**	**6**	**2**	**22**

Out of 22 civil servants, we find that 5 are single, 14 are married, and 3 are separated/divorced; 9 have no dependent children, 6 of the married civil servants have 2 dependent children, 5 civil servants have one dependent child and 2 civil servants have three dependent children.

6.2 Independent contractors

	No children	*1 child*	*2 children*	*3 children*	*4 children*	*Total*
Single	3	0	1	0	0	4
Married	1	2	8	1	1	13
Divorced	0	1	0	0	0	1
Total	**4**	**3**	**9**	**1**	**1**	**18**

Out of 18 female private sector employees, 4 are single, including 1 woman with 2 dependent children, and 13 are married, including 8 women with 2 dependent children, 2 with a dependent child, 1 with 3 dependent children and 1 with 4 dependent children; 1 is divorced with a dependent child.

6.3 Workers

Women	*No children*	*1 child*	*2 children*	*3 children*	*Total*
Single	0	1	0	0	1
Married	1	0	3	1	5
Separated/ divorced	2	4	4	0	10
Widowed	1	0	0	0	1
Total	**4**	**5**	**7**	**1**	**17**

Out of 17 women, 1 is single and has a dependent child, and 10 are separated or divorced. In the latter group, 4 have a dependent child and 4 have 2 dependent children. Of these women, 5 are married; 3 have 2 dependent children and 1 has 3 dependent children. One woman is a widow.

Men	*No children*	*1 child*	*2 children*	*3 children*	*Total*
Single	7	0	0	0	7
Married	6	7	7	3	23
Separated/ divorced	5	0	1	0	6
Total	**18**	**7**	**8**	**3**	**36**

Out of 36 men, 23 are married, including 7 with a dependent child, 7 with 2 dependent children and 3 with 3 dependent children; 12 are single or separated/divorced with no dependent children; and 1 is divorced with 2 dependent children.

Conclusion 6

Out of 22 civil servants, 13 — 7 men and 6 women — have dependent children. Out of 18 female independent contractors, 14 have dependent children. Was the presence of children a factor in their job choices, and in choosing a job that is less secure but close to home and the children's school?

Half the male workers have no dependent children. Out of 17 female workers, 13 have dependent children. Most of the women are heads of single-parent households.

We suggest that the question raised with respect to female independent contractors should also be raised with respect to female workers, drawing attention to the fact that the working hours of female workers are less conducive to reconciling family and work responsibilities.

Given that the number of dependants was taken into account in establishing the pay rate, these figures would suggest that trends in the remuneration of women, particularly female workers, should be studied more closely, since women are generally the ones who assume responsibility for raising the children, particularly after a separation or divorce.

7. Posts

Description of post categories:

1 = Administrative work: secretary, rate collector, editor, accountant, receptionist, administrative copyist, telephone operator, messenger

2 = Technical work: engineer, ecological adviser, foreman, engineering technician, site clerk, draftsman, technical copyist

3 = Labour: worker, master worker, foreman, team supervisor, skilled labourer, concierge

4= Maintenance work: cleaning, maintenance of parks, roads and cemeteries

5 = Psycho-social and pedagogical work: psychologist, education specialist, social worker

6 = Education: teacher, educator, child care, homework assistant, infant care, swimming instructor

7.1 Civil servants

	Women	*Men*	*Total*
Category 1	9	6	15
Category 2	0	3	3
Category 6	3	1	4
Total	**12**	**10**	**22**

7.2 Independent contractors

	Women	*Men*	*Total*
Category 1	3	0	3
Category 5	3	0	3
Category 6	12	0	12
Total	**18**	**0**	**18**

7.3 Workers

	Women	*Men*	*Total*
Category 3	3	15	18
Category 4	14	20	34
Category 1	0	1	1
Total	**17**	**36**	**53**

Conclusion 7

Job category	*Women*	*Men*	*Total*
1. Administration	12	7	19
2. Technical work	0	3	3
3. Manual labour	3	15	18
4. Maintenance work	14	20	34
5. Psycho-social and pedagogical work	3	0	3
6. Education	15	1	16
Total	**47**	**46**	**93**

Occupational segregation persists. Women are found in educational and administrative occupations, men in technical occupations. It should be noted that in category 4 (maintenance work), the differences are seen not so much in the type of work performed but in an analysis of working conditions and pay.

8. Training/retraining

Persons who have received training since 1991

	Civil servants		*Independent contractors*		*Workers*	
	M	*F*	*M*	*F*	*M*	*F*
Computers	5	8	0	4	0	0
Continuing ed. for commune employees and independent contractors	6	7	0	0	0	0
Courses for promotion	2	1	–	–	0	0
Total	**13**	**16**	**0**	**4**	**0**	**0**

As in so many other fields, continuing education is also important in government service, based on the assumption that the citizens deserve an efficient civil service.

9. Separations

Individuals separated from service since 1991

	Civil servants		*Independent contractors*		*Workers*		
	F	*M*	*F*	*M*	*F*	*M*	*Total*
End of contract	0	0	19	2	0	0	21
Change of employer	1	0	10	0	0	4	15
Retirement	0	1	0	0	1	2	4
Voluntary resignation	0	1	1	0	0	1	3
Unpaid family leave	2	0	0	0	0	0	2
Dismissal by employer	0	0	0	0	0	1	1
Disability	0	0	0	0	0	5	5
Total	**5**		**32**		**14**		

The reasons for the separations of the 32 independent contractors since 1991 are as follows:

21 contract ended (19 women and 2 men)

10 change of employer

1 voluntary resignation

The founding of the non-profit organization "Femmes en Detresse" brought about a change of employer for most of the women concerned. That non-profit organization took over and developed the management of services to families concentrated in "An der Aler Gemeng".

For the 14 workers separated from service since 1991, the reasons were:

Retirement	3
Change of employer	4
Voluntary resignation	1
Disability pension	5
Dismissal	1

1991 Inventory

1. Employment situation
   - 1.1 Civil servants
   - 1.2 Independent contractors
   - 1.3 Workers
2. Working hours and status
   - 2.1 Civil servants
   - 2.2 Independent contractors
   - 2.3 Workers
3. Level of remuneration
   - 3.1 Civil servants
   - 3.2 Independent contractors
   - 3.3 Workers
4. Civil status and dependants
   - 4.1 Civil servants
   - 4.2 Independent contractors
   - 4.3 Workers

1. Employment situation as at 1 January 1991

1.1 Civil servants

Civil servants as at 1 January 1991	*Number*
Women	6
Men	8
Total	**14**

Out of a total of 14 civil service posts, there were 6 women and 8 men.

1.2 Independent contractors

Independent contractors as at 1 January 1991	*Number*
Women	19
Men	1
Total	**20**

Out of a total of 20 independent contractors, there were 19 women and 1 man. Most worked as teachers or in the care of children.

1.3 Workers

Workers as at 1 January 1991	*Number*
Women	8
Men	37
Total	**45**

Out of a total of 45 people in the worker category, there were 8 women and 37 men.

2. Categories and working hours

	Women		*Men*		*Total*	
	Full-time	*Part-time*	*Full-time*	*Part-time*	*Full-time*	*Part-time*
Civil service	6	0	8	0	14	0
Independent contractors	5	14	1	0	6	14
Workers	3	5	37	0	40	5
Total	**14**	**19**	**46**	**0**	**60**	**19**

3. Level of remuneration

3.1 Civil service

Grade	*Women*	*Men*	*Total*
7	1	2	3
8	0	3	3
9	0	0	0
10	0	0	0
11	0	1	1
12	0	0	0
13	0	2	2
Total	**1**	**8**	**9**

Of the 9 civil servants who work in the communal administration, there were 8 men and 1 woman.

Grade	*Women*	*Men*	*Total*
E1	1	0	1
E2	0	0	0
E3	3	0	3
E4	1	0	1
Total	**5**	**0**	**5**

Five women civil servants work in the teaching field.

3.2 Independent contractors

Grade	*Women*	*Men*	*Total*
4	2	0	2
Total	**2**	**0**	**2**

Pay	*Women*	*Men*	*Total*
Hourly rate 123n.1/100	10	0	10
Hourly rate 41 hrs.	1	0	1
E1	4	0	4
GR 4	1	0	1
GR 6	1	0	1
GR 7	0	1	1
Total	**17**	**1**	**18**

The majority of female independent contractors (11 women) were paid at an hourly rate set by decision of the Commune Council. Since the contracts were awarded for a fixed term (see article 2 of the Grand-Ducal Regulation of 11 July 1989 on the application of the Act of 25 May 1989 on labour contracts), contracts are renewed from year to year. A fixed allowance is paid for the summer vacation.

3.3 Workers

Grade	*Women*	*Men*	*Total*
0	7	0	7
1	1	3	4
2	0	5	5
3	0	15	15
4	0	3	3
5	0	6	6
6	0	4	4
7		1	1
Total	**8**	**37**	**45**

4. Civil status and dependants

4.1 Civil servants

	No children	*1 child*	*2 children*	*3 children*	*Total*
Single	2	0	0	0	2
Married	3	3	4	2	12
Separated/ divorced	0	0	0	0	0
Total	**5**	**3**	**4**	**2**	**14**

4.2 Independent contractors

	No children	*1 child*	*2 children*	*3 children*	*Total*
Single	1	0	0	0	1
Married	4	5	8	2	19
Separated/ divorced	0	0	0	0	0
Total	**5**	**5**	**8**	**2**	**20**

4.3 Workers

Women	*No children*	*1 child*	*2 children*	*3 children*	*Total*
Single	0	0	0	0	0
Married	0	1	2	0	3
Separated/ divorced	2	3	0	0	5
Total	**2**	**4**	**2**	**0**	**8**

Men	*No children*	*1 child*	*2 children*	*3 children*	*Total*
Single	8	0	0	0	8
Married	9	8	9	2	28
Separated/ divorced	1	0	0	0	1
Total	**18**	**8**	**9**	**2**	**37**

Comparison between 1991 and 1997

1. Overall number of civil servants, independent contractors and workers

	1991		*1997*		*Variation*	
	Women	*Men*	*Women*	*Men*	*Women*	*Men*
Civil servants	6	8	12	10	6	2
Independent contractors	19	1	18	0	-1	-1
Workers	8	37	17	36	9	-1
Total women Total men	33	46	47	46	14	0
Total	**79**		**93**			

The total number of female staff increased by 14. There is a feminization of employment in the Commune of Bettembourg, as can be seen in the movement within the various categories. Out of 14 civil servants employed in 1991, 11 were still there in 1997. One person retired, and one left voluntarily. Among the independent contractors, 4 women employed in 1991 were still there in 1997. With regard to the worker category, out of the 8 women present in 1991, 6 were there in 1997, which indicates a high degree of stability. Out of the 37 men counted in 1991, 23 were employed in 1997, 13 had left and 12 were new.

2. Working hours

Part-time work is a form of employment which men do not rely on, even if they have children.

	Full-time	*Part-time*	*Total employed*
1991	60 = 14 women and 46 men	19 = 19 women and 0 men	79
1997	67 = 21 women and 46 men	26 = 26 women and 0 men	93

3. Civil status and dependants

3.1. Out of the 14 civil servants working for the Commune in 1991, 11 were still there in 1997. Of those 11 people, the family situations of 7 remained unchanged (5 men and 2 women). One woman had had 2 children and received permission to work part-time. One woman had a child who was no longer a member of the household (had reached adulthood).

3.2. For the 4 female independent contractors who remained from 1991 to 1997, their family situation remained the same. All had 2 children.

In 1991, of 20 independent contractors, 19 were married, 1 was single, and 15 had children (75%).

In 1997, of 18 independent contractors, 14 had children (77%).

3.3. The situation for workers was as follows:

In 1991, of 37 men, 18 had no dependent children, 8 had 1 child, 9 had 2 children and 2 had 3 children.

In 1997, of 36 men, 18 had no dependent children (50%), 23 were married, 6 were divorced or separated and 7 were single.

In 1991, of 8 women, 2 had no children. 4 had 1 child and 2 had 2 children.

In 1997, of 17 women, 4 had no children, 13 had dependent children and 7 were heads of single-parent households (41%).

Conclusion

The political leadership of the Commune of Bettembourg uses decidedly modern and pro-active management practices both in discerning and providing for the needs of the local population and at the human resources level in the administration of the Commune.

The political leadership of the Commune of Bettembourg devotes particular attention to the question of equal opportunity for men and women, in terms of services provided to the local population and of human resources level in the administration of the Commune.

Initiative on the part of other social actors — men and women in general, trade unions, intercommunal trade unions and the national authorities — is required in order to pursue these avenues.

Proposals

We are putting forward below several action proposals which can be developed within the commune service if two assumptions are met:

- These actions are approved by the Commune Council and the College of Aldermen;
- These actions are supported by a majority of staff members of both genders.

1. Introduce further-training modules in various areas:
   - Secretarial techniques;
   - Receiving the public in a public department;
   - Time management and work organization;
   - Teamwork and cooperation methods.
2. Work out a schedule suited to the needs of the public, the services and staff members of both genders.
3. Provide solutions for managing leave, particularly extended leave, in the various services:
   - Distribution of work within the service;
   - Internal solutions;
   - Establishment of an intercommunal pool of replacements.
4. Wages: abolish the specific career of cleaning woman in favour of a single career for male and female cleaning staff. The hazard pay currently paid to men performing cleaning services should also be paid to women.
5. Working conditions

   Safety: analyse the need for teamwork in the various services.
6. Promote desegregation of occupations by recruiting men for so-called"female" posts and women for so-called "male" posts.
7. Develop a recruitment policy that will ensure a continual upgrading of skills.

8. Give the personnel office the resources necessary to perform the complex tasks entrusted to it:

- Set up alternating hours for an open service (which can be consulted by the employees) and a closed service (which makes it possible to do paperwork without interruptions);
- Introduce and develop effective data and file management techniques.

9. Use the "Biergerservice" to analyse the needs of women and men as citizens at various stages of their lives (childhood, adolescence, adulthood, retirement, etc.).

10. Change the age limits for civil servants.

11. Provide opportunities for women and men having taken leave for family reasons to participate in (further) training activities.

12. Take over the Advancement of Women Unit in order to put this equality of opportunity tool on a firm foundation.

Annex I

Affirmative Action Plan

[Original: German]

The affirmative action plan consists of a number of stages and measures that vary according to the type of firm involved. Of prime importance is the express willingness of management, employees and unions to work together to develop and implement an affirmative action plan that will make it possible to achieve equality of opportunities for men and women.

1. Assessment of current situation

The assessment provides information on where, when and at which jobs the men and women in the firm work. Differences in the career paths of men and women within the firm should be mentioned (for example, women stay with the firm longer on average than men, but generally work fewer hours after a family-related leave of absence; men work the same number of hours before and after the birth of a child, but generally leave the firm after 10 years).

2. Action plan

The action plan indicates what needs to be changed and which specific measures are to be taken. The plan's goal is precisely stated. A timetable establishes the time-frame for actions to be taken and states when the goal should be attained.

3. Implementation

Implementation is the active phase, after everyone concerned in the firm has been notified and the necessary infrastructure has been put in place. This phase includes the appointment of an affirmative action officer or committee, or the announcement of each step taken on a noticeboard for all to see.

4. Review

The review identifies successes and failures. By taking into account the new information gained and the new momentum achieved, the review makes it possible to plan the next steps more effectively.

An affirmative action plan's chances of success stand or fall with the actual commitment of all the people involved and with their readiness to enter into dialogue where necessary.

Annex II

Act of 8 December 1981 concerning equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions

Article 1

The principle of equal treatment for men and women applies to access to employment, vocational advancement, guidance, basic and advanced vocational training and retraining, access to an independent occupation or profession, and working conditions.

Article 2

1. For the purposes of this Act, the principle of equal treatment means that there shall be no discrimination whatsoever on grounds of sex, either directly or indirectly, by reference in particular to marital or family status.

2. Provisionally, the following shall not be considered as contrary to the provisions of this Act:

(1) Laws and regulations concerning night work by women in industry;

(2) Laws and regulations concerning the employment of women in mines;

(3) Laws and regulations concerning the recruitment of female volunteers to the armed forces and the employment of female officers, non-commissioned officers and police officers, as well as female officers, non-commissioned officers and gendarmes;

(4) Laws, regulations and administrative provisions concerning the employment of customs officers, postmen, prison officers, forest wardens, military musicians, bailiffs and churchwardens.

3. The following shall not be considered as contrary to this Act:

Laws, regulations and administrative provisions concerning the protection of women, particularly as regards pregnancy and maternity, and measures to promote equal opportunities for men and women, in particular by removing existing inequalities which affect women's opportunities in the areas referred to in article 1.

Article 3

1. Equal treatment as regards conditions, including selection criteria, for access to jobs or posts, whatever the sector or branch of activity, and to all levels of the occupational hierarchy, shall be guaranteed in regulations, administrative provisions and laws, collective agreements, individual contracts of employment, internal rules of undertakings and rules governing the independent occupations and professions, as well as in practice.

In particular, it shall be prohibited:

(1) For employers and anyone who disseminates or advertises offers of employment or notices concerning employment to refer to the sex of the worker or to use in such offers and notices elements which, even without an explicit reference, indicate or imply the sex of the worker.

In notices or publications disseminating offers of employment, the generic term for the worker sought shall be followed by the letters M or F or by their equivalent in the language used;

(2) To refer to the sex of the worker, whether employed or self-employed, in connection with conditions and selection criteria for access to jobs or posts, whatever the sector or branch of activity, or to use in such conditions or criteria elements which, even without an explicit reference to the sex of the worker, amount to discrimination;

(3) To bar or hinder access to employment or vocational advancement on explicit or implicit grounds of the sex of the worker either directly or indirectly.

2. The Government may by grand ducal regulation, after requesting the views of the competent professional institutes and the Women's Labour Committee, whose structure, composition, powers and functioning shall be determined by grand ducal regulation, establish the cases in which sex may be mentioned in connection with conditions for access to employment and, where appropriate, the training leading thereto, or to occupational activities for which, by reason of their nature or the context in which they are carried out, the sex of the worker constitutes a determining factor.

Article 4

Equal treatment as regards access to all types and to all levels of vocational guidance, vocational training, advanced vocational training and retraining shall be guaranteed to every person in regulations, administrative provisions and laws, collective agreements, individual contracts of employment, internal rules of undertakings and rules governing the independent occupations and professions, as well as in practice.

In particular, it shall be prohibited:

(1) To refer to the sex of the person in connection with conditions and criteria for access to vocational guidance, vocational training, advanced vocational training and retraining, or to use in such conditions or criteria elements which, even without an explicit reference to the sex of the person, amount to or imply discrimination on grounds of sex;

(2) To describe training, in particular in the publicity and information prepared by the institutions and organizations which provide it, as being more particularly appropriate for persons of either sex;

(3) To bar access to one of the areas mentioned in paragraph (1) on grounds linked to the sex of the person either directly or indirectly;

(4) To establish different conditions, on grounds of sex, for the attainment or award of all types of diplomas and titles.

Article 5

Equal treatment with regard to working conditions, including the conditions governing dismissal, shall be guaranteed to workers in regulations, administrative provisions and laws, collective agreements or individual contracts of employment, internal rules of undertakings and rules governing the independent occupations and professions, as well as in practice.

In particular, it shall be prohibited:

(1) To refer to the sex of the worker in connection with working conditions and conditions, criteria or grounds for dismissal, or to use in such conditions, criteria or grounds elements which, even without an explicit reference to the sex of the worker, amount to discrimination;

(2) To establish or apply conditions, criteria or grounds in a discriminatory manner in accordance with the sex of the worker.

Article 6

Any contractual provisions, regulations or laws contrary to the principle of equal treatment as defined in this Act shall be null and void.

Article 7

Disputes arising from the application of this Act shall, in respect of the private sector, be referred to the jurisdiction competent with regard to contracts of service and, in respect of the public sector, to the Council of State, Disputes Committee.

Article 8

Any dismissal mainly on grounds of the reaction of the employer to:

- A reasoned complaint filed either within the undertaking or within the private or public agency which uses its services or with the Inspectorate of Labour and Mines,
- An intervention by the Inspectorate of Labour and Mines,
- A legal proceeding,

aimed at enforcing compliance with the principle of equal treatment in the areas covered by this Act, shall be considered as wrongful.

Article 9

Employers, their agents or representatives or anyone who uses or advertises offers of employment or notices concerning employment that do not comply with the principle of equal treatment for men and women referred to in article 3 of this Act, and who, despite written instructions from the Employment Administration to comply with that principle, continues to maintain such offers or notices, shall be liable to a fine of from 2,501 to 20,000 Luxembourg francs. In case of recidivism, this penalty may be increased to double the maximum amount.

Book I of the Penal Code and the Act of 18 June 1879 authorizing the courts and tribunals to evaluate mitigating circumstances, as amended by the Act of 16 May 1904, shall be applicable to the offences covered by this Act.

Subparagraph II of article I, paragraph B, of the Act of 26 February 1973 extending the powers of the police tribunals in the matter of punishment shall be supplemented as follows:

> "29. The Act of 8 December 1981 concerning equal treatment for men and women as regards access to employment, vocational training and advancement, and working conditions".

Article 10

Insofar as their jurisdiction extends to the matters covered in article 1, the Inspectorate of Labour and Mines and the Employment Administration shall be responsible, each in its area of competence, for overseeing the enforcement of this Act.

Ordered and decreed that this Act shall be inserted in the *Official Gazette*, to be enforced and implemented by all those to whom it refers.

Annex III

Grand Ducal Regulation of 10 July 1974 concerning equal pay for men and women

"Article 1.

1. All employers shall be required to guarantee equal pay for men and women for the same work or for work of equal value.

2. For the purposes of this regulation, 'pay' means the ordinary basic or minimum wage or salary and any other additional benefits, in cash or in kind, which the worker receives directly or indirectly, in respect of his or her employment, from his or her employer.

3. (1) The various components of pay shall be established on the basis of the same criteria for both men and women.

(2) The categories and criteria for vocational classification and advancement, and any other basis for calculating pay, such as job evaluation methods, shall be the same for workers of both sexes.

4. Any provision appearing in a contract of service, a collective agreement or a rule governing an undertaking or a workshop which includes lower pay for the same work of equal value for a worker or workers of either sex than for workers of the other sex shall automatically be null and void.

The higher pay received by the last-mentioned workers shall automatically be substituted for the pay that had been included in the vitiated provision.

5. The Inspectorate of Labour and Mines shall be responsible for overseeing the application of this regulation.

6. Disputes arising from the application of this regulation shall be referred to the jurisdiction competent with regard to contracts of service."